



SOA-246

PATENT APPLICATION

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7/21/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Richard GIOSCIA et al.

Art Unit: 2684

Serial No.: 09/197,506

Examiner: Charles C. Chow

Filed: November 23, 1998

For: METHOD AND SYSTEM FOR INTERACTIVE DIGITAL
RADIO BROADCASTING AND MUSIC DISTRIBUTION

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.112

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 17 2003

Technology Center 2600

Sir:

This is in full and timely response to the non-final Office Action mailed on April 11, 2003. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 5-7, 10, 13-17, 19-22, 24-25, and 27-34 are currently pending in this application, with claims 1, 5, 15, and 22 being independent.

No new matter has been added.

Drawing objections

The drawings have been objected to under 37 C.F.R. §1.83 as failing to include the features of the steps for the method claims.

In response to this objection, these features are found at least within figures 1 and 2 along with their corresponding descriptions.

Withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. 103

Claims 1 and 2 were rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,239,540 issued to Rovira et al. (Rovira) in view of U.S. Patent No. 6,212,359 issued to Knox, and in further view of U.S. Patent No. 5,345,430 issued to Moe and U.S. Patent No. 6,314,573 issued to Gordon et al. (Gordon).

This rejection is traversed at least for the following reasons.

Claims 1 and 2 include the step of combining a data signal carrying contextual information about the audio programming with an audio signal carrying the audio programming; receiving the combined data and audio signals from a service provider with a receiver; separating the data and audio signals; transducing the audio signal into audible sound; displaying the contextual information about the audio programming on a display device of the receiver; storing at least a portion of the contextual information of the data signal onto a removable memory medium; and transmitting a purchase signal to the service provider

indicating an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device.

Rovira arguably teaches a method and apparatus for transmitting, receiving and communicating digital data. However, Rovira fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Knox arguably teaches a wireless transceiver system for digital music. However, Knox fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Moe arguably teaches a recovery recorder system. However, Moe fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Thus, Rovira, Knox and Moe, either individually or in combination, fail to disclose, teach or suggest at least the step of transmitting a purchase signal to the service provider indicating an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device. But the Office Action applies Gordon for this feature.

But for the following reasons, Gordon, either individually or in combination, Rovira, Knox and Moe, fails to disclose, teach or suggest at least the step of transmitting a purchase signal to the service provider indicating an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device.

Gordon arguably teaches that a consumer (i.e., a viewer having a system account number) can request, through manipulation of a graphical user interface, to subscribe to a package of programming, i.e., children's programming, at a fixed price (column 3, lines 57-61).

Gordon arguably teaches that the subscription packages may consist of a collection of programs having a common point of interest, e.g., sports, cooking, travel, automotive, educational, children's programming, home improvement, soap operas, network prime time television broadcasts, music videos, and the like (column 8, lines 52-57).

Figures 4-9 of Gordon arguably depict menu selections displayed on a display.

Nevertheless, Gordon fails to disclose, teach or suggest the displayed contextual information as indicating a recording of audio programming that is has been carried along with the contextual information. Please note that this relationship is not found within Gordon. Merely showing menu selections displayed on a display does not account for this relationship.

Thus, Gordon, either individually or in combination, Rovira, Knox and Moe, fails to disclose, teach or suggest all features of the claimed invention.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 5-7, 10, 13 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Moe, and in further view of U.S. Patent 5,694,162, issued to Freeny, Jr. (Freeny).

This rejection is respectfully traversed at least for the following reasons.

Freeny arguably teaches a method for automatically changing broadcast programs. However, Freeny, either individually or in

combination, Rovira, Knox and Moe, fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 14-17, 19-22, 24-25, 27-34 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa et al. and in further view of U.S. Patent 5,579,537, issued to Takahisa (Takahisa '537).

These rejections are respectfully traversed for at least the following reasons.

The rejection of claims 31 and 33 refer to Gordon. However, Gordon has not been provided within the statement of the rejection. In this regard, the Office Action lacks clarity, warranting another non-final Office Action to clarify this discrepancy.

In addition, the statement of the rejection includes "in further view Takahisa et al. and in further view of Takahisa (US 5,579,537)." This statement of the rejection lacks clarity since

it is unclear if two Takahisa references are intended, or if only one Takahisa reference is intended and a typographical error exists within the statement of the rejection. See M.P.E.P. §707.

Within the claims a purchase signal is transmitted to a service provider. The purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device. This feature is not found within the cited prior art.

Takahisa arguably teaches a broadcast system with associated data capabilities. However, Takahisa fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

But for the following reasons, Gordon, either individually or in combination, Rovira, Knox, Takahisa et al. and Takahisa '537, fails to disclose, teach or suggest at least the step of transmitting a purchase signal to the service provider indicating an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device.

Gordon arguably teaches that a consumer (i.e., a viewer having a system account number) can request, through manipulation of a graphical user interface, to subscribe to a package of programming, i.e., children's programming, at a fixed price (column 3, lines 57-61).

Gordon arguably teaches that the subscription packages may consist of a collection of programs having a common point of interest, e.g., sports, cooking, travel, automotive, educational, children's programming, home improvement, soap operas, network prime time television broadcasts, music videos, and the like (column 8, lines 52-57).

Figures 4-9 of Gordon arguably depict menu selections displayed on a display.

Nevertheless, Gordon fails to disclose, teach or suggest the displayed contextual information as indicating a recording of audio programming that is has been carried along with the contextual information. **Please note that this relationship is not found within Gordon.** Merely showing menu selections displayed on a display does not account for this relationship.

Thus, Gordon, either individually or in combination, Rovira, Knox, Takahisa et al. and Takahisa '537, fails to disclose, teach or suggest all features of the claimed invention.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

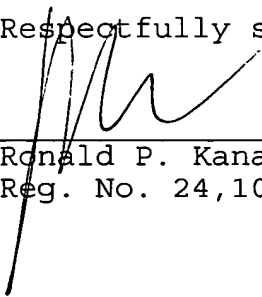
For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Respectfully submitted,

DATE: July 14, 2003



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